IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 4076 of 2005

Between:

Vandana Waddera Labour Contract Co-op. Society, Santhosh Nagar Colony, Hyderabad, Rep. by its President D. Krishna.

..... PETITIONER

AND

The Superintending Engineer-II, Muncipal Corporation of Hyderabad. Tankbund Road, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly in the nature of writ of Mandamus declaring the action of the respondent cancelling or retendering the item of work No.6 of Tender Notice No. 12/SE-II/MCH/T2, T4 & T5/2004-2005/864 dt. 7-1-2005 is illegal, arbitrary and violation of Article 19(1)g of the Indian Constitution and Consequently direct the respondent not to cancel and allot the work to the petitioner society.

Counsel for the Petitioner: MR.KOONA REDDY ANJI REDDY

Counsel for the Respondent: MR.RAMA RAO GHANTA

This Court at the admission stage made the following:

O R D E R:

This writ petition is filed questioning the action of the respondents in issuing the tender notice dated 24-02-2005 insofar as item No.1 is concerned.

It is not in dispute that in respect of the said work the respondent-Corporation had earlier issued tender notice dated 07-01-2005 wherein the work in question was shown as item No.6. It is clamed that the petitioner society was the successful bidder with regard to the work in question notified under the tender notice dated 07-01-2005 and in pursuance thereof the respondent-Corporation by letter dated 09-02-2005 informed the petitioner that they have to pay 1% of the Earnest Money Deposit. The petitioner was called upon to furnish certain particulars as specified thereunder. However, without awarding the said work in favour of the petitioner, the tender itself was cancelled and the work has again been notified under the impugned tender notice. Hence, this writ petition contending that the respondent-Corporation is not justified in canceling the earlier tender and issuing fresh tender.

The learned standing counsel appearing for the respondent-Corporation, under instructions, states that insofar as item 6 of the tender notice dated 07-01-2005 is concerned all the bidders quoted very less amount when compared to other works in the said tender notice and therefore, the respondent-Corporation having considered the issue in detail decided to cancel the tender notice dated 07-01-2005 and to issue fresh tender notice.

The law is well settled that it is open to the Tender Inviting Authority to cancel the tender if the circumstances so warrant and no right will accrue to the tenderer unless and until the tender is accepted. Even the lowest bidder cannot claim any vested right to the award of contract merely on the ground that he is the lowest bidder.

In view of what has been stated by the learned Government Pleader, I am convinced that the action of the respondent in cancelling the earlier tender is bona fide and absolutely no case is made out warranting interference of this Court.

The writ petition is accordingly dismissed. No costs.

(G. ROHINI, J)

Date:04-03-2005

ghn

To

1. The Superintending Engineer-II, Muncipal Corporation of Hyderabad.
   Tankbund Road, Hyderabad.

2. Two CD copies.